

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ANTHONY F. DEBELLIS,

Plaintiff,

-against-

19 **CIVIL** 7834 (PMH)

**JUDGMENT**

STEPHEN SCHMOKE, et al.,


Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated January 5, 2021, the Court dismisses Plaintiff's AC in its entirety. While "[d]istrict courts should frequently provide leave to amend before dismissing a *pro se* complaint . . . leave to amend is not necessary when it would be futile." *Reed v. Friedman Mgt. Corp.*, 541 F. App'x 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). Here, Plaintiff has already had one opportunity to amend his Complaint and has not sought leave to file a Second Amended Complaint. Furthermore, any amendment would be futile as Plaintiff cannot establish lack of probable cause and Plaintiff's remaining claims for relief are flawed as a matter of law; accordingly, this case is closed.

**Dated:** New York, New York  
January 5, 2021

**RUBY J. KRAJICK**

BY:   
Clerk of Court  
Deputy Clerk